

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CONVOLVE, INC.	§	
	§	
V.	§	Civil Action No. 2:08-CV-244 (CE)
	§	
DELL INC.,	§	
WESTERN DIGITAL CORPORATION,	§	
HITACHI GLOBAL STORAGE	§	
TECHNOLOGIES, INC. and HITACHI LTD.	§	

**July 20, 2011
Jury Trial Day Three**

OPEN: 8:29 a.m.

ADJOURN: 5:14 p.m.

ATTORNEYS FOR PLAINTIFF:	James Anderson
	Eric Albritton
	Marla Butler
	Stephen Edwards
	Tara Sharp
	Elizabeth Thomas
	Bryan Vogel

ATTORNEYS FOR DEFENDANTS:	Deron Dacus
	Eric Findlay
	Roger Fulghum
	Jeff Homrig
	Gene Schaerr
	Melissa Smith
	Kimball Anderson
	Doug Lumish
	Michael Smith
	Bruce Wessel
	David Schwarz
	Garland Kelley
	Joseph Lee
	Richard Birnholz
	Tom Werner
	Anna Halsey
	Chris Ponder

LAW CLERK:	Katrina Maher
------------	---------------

COURT REPORTER:	Shelly Holmes, CSR
-----------------	--------------------

COURTROOM DEPUTY:	Jan Lockhart
-------------------	--------------

8:29 a Court opened. Hearing outside the presence of the jury regarding various issues. Mr. Anderson argued on behalf of

8:52 a.m. Mr. Anderson conducted re-direct examination of Dr. Singer.

9:05 a.m. Bench conference.

9:06 a.m. Mr. Anderson continued his re-direct examination of Dr. Singer.

9:35 a.m. Mr. Lumish conducted re-cross examination of Dr. Singer.

9:45 a.m. Bench conference held.

9:46 a.m. Mr. Lumish continued his re-cross examination of Dr. Singer.

9:50 a.m. Mr. Dacus conducted re-cross examination of Dr. Singer.

9:58 a.m. Ms. Smith conducted re-cross examination of Dr. Singer.

10:00 a.m. Mr. Anderson conducted re-direct examination of Dr. Singer.

10:05 a.m. Mr. Dacus conducted re-cross examination.

10:06 a.m. Mr. Anderson conducted re-direct examination.

10:07 a.m. Morning recess until 10:25.

10:30 a.m. Court reconvened. Mr. Albritton called Dr. Satoshi Yamamoto to testify by video deposition.

10:45 a.m. Mr. Albritton called Hitachi witness Yuji Yokoe to testify by video deposition.

11:00 a.m. Mr. Albritton called Hitachi witness Steven Luethje to testify by video deposition.

11:02 a.m. Mr. Albritton called Hitachi witness Daniel Colegrove to testify by video deposition.

11:07 a.m. Mr. Anderson called Brendan Collins to testify as an adverse witness. Mr. Collins was previously sworn.

11:34 a.m. Mr. Findlay conducted cross examination of Mr. Collins.

11:59 a.m. Lunch recess until 1:15 p.m. Jury excused.

12:00 p.m. Court ruled on various motions.

12:01 p.m. Court adjourned.

1:14 p.m. Hearing outside the presence of the jury regarding in camera documents. Mr. Lumish spoke on behalf of Hitachi. Mr. Wessel spoke on behalf of Western Digital.

1:17 p.m. Jury returned to courtroom. Mr. Findlay continued his examination of Mr. Collins.

1:43 p.m. Mr. Anderson conducted re-direct examination of Mr. Collins.

1:52 p.m. The parties passed the witness. Mr. Albritton presented Orhan Beker, a Western Digital representative, by video deposition.

2:08 p.m. Mr. Wessel indicated that a portion of the Defendant's deposition clip of Mr. Beker may have been excluded. The Court responded.

2:09 p.m. Next, Mr. Albritton presented Brian Decker, a Dell Computer witness, by video deposition.

2:37 p.m. Mr. Albritton presented Ronald Gurr by video deposition.

2:45 p.m. Mr. Albritton presented Thomas Colligan by video deposition.

2:50 p.m. Mr. Anderson called Dell's corporate witness to testify. Mr. Fulghum indicated that the corporate witness was Brett McAnally. Mr. McAnally was previously sworn and examined under oath.

3:11 p.m. Court excused jury. The Court gave various rulings concerning spoliation, depositions, etc.

3:12 p.m. Afternoon recess.

3:37 p.m. Court reconvened. Mr. Kimball Anderson conducted cross examination of Mr. McAnally.

4:11 p.m. Re-direct examination by Mr. James Anderson.

4:20 p.m. The parties passed the witness.

4:21 p.m. Mr. Albritton called Kent Van Liere to testify. Dr. Van Liere was previously sworn and was examined under oath.

5:00 p.m. Mr. Kimball Anderson conducted cross of Dr. Van Liere.

5:14 p.m. Jury excused. Jury Note received. Court adjourned.